

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.Nos.3400 of 2021

Reliance General Insurance Company Limited,
Rai Towers, 2nd Floor,
Plot No.2054,
II Avenue, Anna Nagar,
Chennai - 600 040.

...Appellant/3rd Respondent

Vs.

1.P.Vedavalli

2.R.Parthasarathy

3.Minor P.Ragothaman
(Minor/3rd respondent rep. by his Father
& Natural Guardian Mr.R.Parthasarathy)

...Respondents 1 to 3/Petitioners

4.A.Saravanan

5.D.Chengazhani ...Respondents 4 & 5/Respondents 1 & 2

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act 1988 against the Judgment and Decree passed in MCOP No.2229 of 2014 dated 29.10.2020 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court No.1, Small Causes Court, Chennai.

DECREE: The Civil Miscellaneous Appeal coming on for hearing on this Sixteenth day of December Two Thousand and Twenty One, Upon perusing the grounds of Appeal, the order of the Lower Court and Material papers in this case and upon hearing the arguments of . Ms.Harini for M/s.M.B.Gopalan Associates, Advocate for Appellant, and Mr.R.Thirugnanam, Advocate for the 1st Respondent, this Court while dismissing Civil Miscellaneous Appeal doth order and common decree as follow:

1. That the award and decree dated 29.10.2020 in MCOP No.2229 of 2014 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court No.1, Small Causes Court, Chennai be and hereby is confirmed.

2. That the Appellant/Insurance Company do deposit the award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order and thereafter, recover the same from the owner of the Tractor;

3. That on such deposit, the major claimants are shall withdraw the award amount as apportioned by the Tribunal, less the amount already withdrawn, if any, together with proportionate interest and costs;

4. That the Tribunal shall deposit the share of the minor claimant in any one of the nationalized banks, as fixed deposit under the Cumulative Deposit Scheme, till the minor attains the age of major;

5. That the 2nd Claimant/father and the guardian of the minor claimant, herein shall withdraw interest once in six months directly from the bank;

6. That there be no costs in this appeal.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

skn

To

1. The Special Sub-Court No.1,
Motor Accidents Claims Tribunal,
Small Causes Court, Chennai.

Copy to:

The Section Officer,
V.R.Section,
Madras High Court,
Chennai.

+1cc to Mr.R.Thirugnanam, Advocate, S.R.No.67319/2022

DATE: 16/12/2021

DECREE

C.M.A.No.3400 of 2021

Dismissing the Civil
Miscellaneous Appeal
preferred against the
judgment and decree
passed in MCOP No.2229 of
2014 dated 29.10.2020 on
the file of the Motor
Accident Claims Tribunal,
Special Subordinate Court
No.1, Small Causes Court,
Chennai etc., as stated
therein.

RP (CO)
RN (05/04/2022)